

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DR. DAVID SPOKANE and DAVID C.  
SPOKANE ORTHODONTIC  
ASSOCIATES, P.C.,  
Plaintiffs,**

**v.**

**NATIONWIDE LIFE INSURANCE  
COMPANY,  
Defendant.**

**CIVIL ACTION**

**NO. 14-5287**

**ORDER**

**AND NOW**, this 27th day of July, 2022, upon consideration of Plaintiffs' Motion for Partial Summary Judgment (ECF No. 67), Defendant's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion (ECF Nos. 73-74), Plaintiffs' Brief in Opposition to Defendant's Motion and in Support of its Motion (ECF No. 77-78), Defendant's Reply Brief in Further Support of its Motion (ECF No. 81), and the Parties' Joint Appendix in support of their Motions (ECF No. 84), **IT IS HEREBY ORDERED** as follows:

1. Defendant's Motion is **GRANTED** as to: (1) Plaintiffs' ERISA Claims under 29 U.S.C. § 1132(a)(2) stemming from the two changes to the policy owner; (2) Plaintiffs' RICO Claims under 18 U.S.C. § 1962(c); and, (3) Plaintiffs' common law claims, which claims are **HEREBY DISMISSED**.
2. The Parties' Motions are **DENIED** in all other respects.

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**